UNITED NATIONS OBSERVER MISSION IN SOUTH AFRICA (UNOMSA)

"We are at the dawn of a new era in South Africa—an era marked by a desire for reconciliation and renewed determination to overcome difficulties of all kinds through negotiations and dialogue . . . Chance mishaps, admittedly, have occurred in the past. No one can predict the future. [But] one fact is certain: for the first time, one can see the light at the end of the tunnel in South Africa."

United Nations Secretary-General Boutros Boutros-Ghali,
speaking on the International Day for the Elimination of Racial Discrimination, 22 March 1993

INTRODUCTION

A new exercise in preventive diplomacy

On 10 September 1992, United Nations Secretary-General Boutros Boutros-Ghali informed the Security Council that he had decided to dispatch 13 United Nations observers to South Africa the following day, as part of a complement of 50 observers to be deployed in the country within a month. On the same day, the Council President issued a statement on behalf of the Council's members, deploring the 7 September killing of 28 demonstrators and the wounding of 200 others by security elements at Bisho, Ciskei, South Africa. The Council members, he added, emphasized the need to put an end to the violence in the country and create conditions for negotiations.

With the deployment of the United Nations Observer Mission in South Africa (UNOMSA), the United Nations embarked on a new exercise in preventive diplomacy. The mission falls squarely within the long-established UN functions of fact-finding, preventive diplomacy and good offices. But in addition to observing developments and regularly reporting to the Secretary-General, UNOMSA actively supports indigenous efforts to resolve disputes and promote reconciliation.

This is particularly true at the local level, where UNOMSA observer teams seek to establish and maintain contact with all parties, from grass-roots organizations to the security forces. Through their presence as impartial witnesses, the observers facilitate communication among various parties and intervene when appropriate, most often informally and quietly, by offering suggestions and options.

In the first six months of the mission, UNOMSA's 50 observers covered and reported on some 7,500 events and meetings throughout the country. UNOMSA regularly responds to requests from various parties for the intervention of observers to dispel tension and prevent or minimize violence at public events, to help resolve local conflicts, or to urge Government authorities and political leaders to address socio-economic problems which threaten to become flashpoints of violence.

The deployment of UNOMSA—and of observer missions sent to South Africa later by the Commonwealth, the European Community and the Organization of African Unity (OAU)—is in line with Secretary-General Boutros-Ghali's proposals in his June 1992 report to UN Member States, *An Agenda for Peace*, which called for greater use of fact-finding and preventive diplomacy by the United Nations in coordination with other international organizations. The report highlighted the need for timely, objective and impartial information on which the Security Council and the Secretary-General could base their decisions.

Violence

The presence of international observers is intended to shore up the efforts of those seeking to counter the violence and paranoia which have rendered progress towards democracy in South Africa extremely difficult. Violence has plagued communities throughout the country, particularly in the Witwatersrand/Vaal and Natal/KwaZulu regions. Political violence, including repeated hostilities between hostel dwellers and their surrounding communities, attacks on commuter trains and minibus

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taxis and on squatter settlements and isolated rural *kraals*, have left at least 10,000 South Africans dead over the last three years—nearly all of them Blacks.

Many communities remain divided into "no-go zones" for supporters of rival political organizations; the security forces are far from enjoying the confidence of the majority of the people, despite the recently declared policy of the South African Police of seeking to improve police-community relations; the ready availability of weapons of all kinds remains a threat to peace and stability. The negative social and economic effects of apartheid continue to generate frustration and anger which feed violence, particularly among the youth deprived of education and jobs. The assassination on 10 April 1993 of Chris Hani, Secretary-General of the South African Communist Party, and the disturbances which followed his death are reminders of the volatility of the situation in South Africa.

Following that assassination, four people died and over 250 were injured in Soweto when police opened fire on the crowd attending a peaceful commemoration rally. The observer missions of the United Nations, the Commonwealth, the European Community and the Organization of African Unity issued on 14 April a statement expressing their grave concern. It was noted in the statement that readiness of the police to use arms in such volatile circumstances ran counter to the call for restraint by the nation's leaders and the Commissioner of Police, and that such action could only exacerbate an already explosive situation.

Supporting peace efforts by South Africans themselves

Decades of apartheid have left South Africa a fractured society, with virtually no institutions shared by the population as a whole for consulting one another and peacefully resolving disputes. The high level of violence prompted South Africans to negotiate the *National Peace Accord*, which provides a framework for the peaceful resolution of disputes through machinery to be established at the local, regional and national levels. The *Accord* also provides for establishment of the *Commission of Inquiry Regarding the Prevention of Public Violence and Intimidation* (the *Goldstone Commission*, headed by Justice Richard J. Goldstone).

Although violence continues to mar the political landscape, in early 1993 most political leaders and researchers held the view that the overall level of violence was on the decline and that the presence of the international observer missions helped bring this about.

There is broad agreement among political leaders that the violence should not be allowed to prevent progress towards free and fair elections in which all South Africans can participate. A planning conference, which met on 1 April 1993, aimed at the resumption of multi-party negotiations, brought together 26 political organizations and entities, including several which had declined to participate in the *Congress for a Democratic South Africa (CODESA)* in 1991 and 1992. The new talks were attended by representatives of the international observer missions.

And on 3 June 1993, the date for the first democratic elections was provisionally set for 27 April 1994. The participants in the *Multi-Party Negotiating Forum* pushed ahead with preparations for the elections in the face of continuing violence. The Forum cleared the way for a multiracial *Transitional Executive Council* which will effectively run the country until the first democratic elections.

BACKGROUND ON THE DECISION TO DEPLOY UNOMSA

First steps: Security Council Resolution 765 (1992)

Following the massacre of 40 persons at Boipatong on 17 June 1992, the African National Congress (ANC) pulled out of CODESA and broke off bilateral negotiations with the South African Government. The ANC made a number of demands on the Government, including the establishment of an international commission of inquiry

into the Boipatong massacre. It also called on the international community to monitor the violence.

The Secretary-General continued his ongoing contacts with the parties in South Africa, including the leaders of the ANC, the Inkatha Freedom Party (IFP) and the Government. They confirmed that they would welcome a goodwill mission to South Africa by a Special Representative of the Secretary-General.

On 15 and 16 July 1992, at the initiative of the OAU, the Security Council met to consider the "question of South Africa". After two days of deliberations, the Council adopted by consensus resolution 765 (1992), which urged the South African authorities to take immediate measures to bring an end to the violence; called upon all parties to cooperate in combating violence; and invited the Secretary-General to appoint a Special Representative to South Africa to recommend, after discussion with the parties, "measures which would assist in bringing an effective end to the violence and in creating conditions for negotiations leading towards a peaceful transition to a democratic, non-racial and united South Africa".

The Vance Mission

Following the adoption of resolution 765 (1992), the Secretary-General appointed as his Special Representative Cyrus Vance, former Secretary of State of the United States. A small team of United Nations officials, led by the Special Representative, visited South Africa from 21 to 31 July 1992, and held discussions with a wide range of parties.

While his Special Representative was in South Africa, the Secretary-General wrote to State President F. W. De Klerk, Mr. Nelson Mandela, President of the ANC, and Chief Mangosuthu Buthelezi, President of the IFP, urging them to do all in their power to stave off potential violence during a week of mass demonstrations planned to begin on 3 August. At the request of the ANC President, and with the agreement of the other parties, the Secretary-General dispatched seven observers to join three members of the Vance mission already in South Africa to observe rallies, demonstrations and other forms of mass action in various parts of the country.

The Special Representative's findings, along with the Secretary-General's observations and recommendations, were contained in a report to the Security Council.[1] It was noted in the report that the unanimous adoption of resolution 765 (1992) by the Security Council had "heightened expectations that the continuous involvement of the Security Council in this new phase of South Africa's evolution will be marked by understanding and a readiness to contribute constructively to the process of peaceful change". The Secretary-General accordingly recommended that the United Nations deploy some 30 observers in South Africa.

Security Council resolution 772 (1992): "Areas of concern"

The Security Council considered the Secretary-General's report on the Vance mission, and on 17 August unanimously adopted resolution 772 (1992). The Council welcomed the report and identified "areas of concern" relevant to the question of violence that should receive the sustained attention of the international community. These "areas of concern" serve as guidelines for the work of UNOMSA and include:

- hostels and related security problems;
- dangerous weapons;
- the security forces and other armed formations;
- investigation and prosecution of criminal conduct; and
- the conduct of political parties.

The Council acknowledged the need to "strengthen and reinforce" the peace structures established under the *National Peace Accord*, in line with the recommendations contained in the Secretary-General's report. The resolution authorized the Secretary-General to deploy observers in South Africa "in such a manner and in such

[1] UN document S/24389.

numbers as he determines necessary to address effectively the areas of concern noted in his report''. The Council also expressed its determination to help reduce violence in the country, to work in coordination with the structures set up under the National Peace Accord, and to help contribute towards resumption of multi-party negotiations leading to a peaceful transition to a united, democratic and non-racial South Africa.

The Security Council also asked the Secretary-General to report to it quarterly—more frequently if necessary—and invited international organizations such as the OAU, the Commonwealth and the European Community to consider deploying their own observers in South Africa.

Finally, the Security Council stated its determination to ''remain seized of the matter until a democratic, non-racial and united South Africa is established''. UNOMSA's presence in the country remains an expression of the Council's continued interest in developments in the country.

Deployment

The UNOMSA advance team arrived in South Africa on 13 September 1992. The headquarters of the mission was established at Johannesburg, and a regional office for the Natal/KwaZulu region, headed by the Deputy Chief of Mission, was set up at Durban. By 1 November 1992, the mission achieved its full complement of 50 observers, deployed in the 11 regions defined by the National Peace Committee.

The majority of the UNOMSA observers are deployed in the Witwatersrand/Vaal and the Natal/KwaZulu regions, which account for the greatest proportion of the violence in the country. Smaller teams of two or three observers are posted in each of the other nine regions: *Western Transvaal, Northern Transvaal, Far Northern Transvaal, Eastern Transvaal, Orange Free State, Border/Ciskei, Eastern Cape, Western Cape, and Northern Cape.*

The United Nations has provided, at Justice Goldstone's request, an expert with a background in crime prevention, security and criminal law, to assist the *Goldstone Commission*. Also, several members of the UNOMSA team with backgrounds in law are assigned to observe the Commission's work in addition to their other duties.

In February 1993, the President of the Security Council informed the Secretary-General[2] that the Council had endorsed his recommendation of December 1992[3] to increase the total number of UNOMSA observers to 60.

What UNOMSA observers do

UNOMSA observers regularly:

► attend demonstrations, marches and other forms of mass action, noting the conduct of all those involved and how it compares with the principles of the *National Peace Accord* and the *Goldstone Commission* guidelines for marches and political gatherings;

► attend meetings of *Local* and *Regional Peace Committees* and other structures established under the *National Peace Accord*, and support the activities of the structures aimed at reducing violence and fostering reconciliation;

► meet separately with groups across the political and social spectrum, including officials of the Government and the security forces, political parties and organizations, as well as community-based ''alternative structures'' such as civic associations and other grass-roots organizations concerned with the conditions in specific communities and among women, youth and other groups.

Observers supplement their field observations by establishing and maintaining informal contacts with all sectors and at all levels of South African society, and often serving as a channel or a catalyst to improve communication between communities, the security forces and the peace structures.

Observers' field reports assist the Chief of Mission in her interventions with senior officials of the Government, the security forces, the political organizations and other entities. The Chief of

[2] UN document S/25315.
[3] UN document S/25004.

NATIONAL PEACE ACCORD

UNOMSA has helped put into practice the 1991 *National Peace Accord*. Signed on 14 September 1991 by the ANC, the IFP, the South African Government and 16 other signatories, the *Accord* seeks "to bring an end to political violence . . . and to set out the codes of conduct, procedures and mechanisms to achieve this goal". It provides a framework within which all sectors of society can seek to promote a climate of peace and progress towards democracy. The *Accord* includes codes of conduct for political parties and the South African Police, provisions aimed at promoting respect for freedom of expression, and terms of reference for the *Goldstone Commission*, which is to act "as an instrument to investigate and expose the background and reasons for violence, thereby reducing the incidence of violence and intimidation".

The *Accord* also anticipates elaboration of a code of conduct for the South African Defence Force and appointment of Justices of the Peace, as well as measures for the reconstruction and development of communities affected by violence.

UNOMSA maintains close contact and works in coordination with the structures established under the *Accord*, including:

► The *National Peace Committee*, composed of senior representatives of all the parties to the Peace *Accord*;

► *Regional Peace Committees* in each of the 11 regions designated by the National Peace Committee, which include representatives of political parties and organizations, labour, business, the churches, and other community-related organizations;

► *Local Peace Committees*, organized under the regional committees, which seek community involvement in resolving disputes and developing socio-economic reconstruction and development plans; and

► *The National Peace Secretariat*, which provides administrative support to the other peace structures, training and expertise in conflict resolution, and advice on socio-economic reconstruction and development.

The task before these bodies—aiding development of a climate of peace and a culture of political tolerance in the aftermath of apartheid—should not be underestimated. UNOMSA has acted as a catalyst for improving the representativeness and autonomy of the peace structures, and has supported their efforts to implement the *Accord* and monitor the degree to which all parties live up to its letter and spirit.

Mission's actions are focused, in particular, on bringing potential flashpoints to the attention of decision makers and defusing crises. She encourages all concerned to take actions which contribute to an atmosphere of peace and tolerance that favours free political activity and negotiations towards a new political dispensation.

A mandate to reach all South Africans

As appropriate, UNOMSA observers also maintain contact with organizations and groups not parties to the *Accord* itself, particularly at the local level, in order to support other efforts towards peace and reconciliation. Several political organizations and entities have remained outside the *Accord*, including the Azanian People's Organization (AZAPO), the Conservative Party and a number of right-wing groups, as well as the Pan Africanist Congress of Azania (PAC) and administrations of some so-called "homelands".

UNOMSA and the other international observer missions have devoted particular attention to secur-

ing unimpeded exercise of their mandate throughout the territory of South Africa, including the "homelands". The Bophuthatswana authorities have, in particular, attempted on several occasions to prevent international observers from observing developments in the area under their control.

Composition

As at 27 April 1993, the mission was made up of 55 observers, all United Nations staff members. They are professionals drawn from a wide range of disciplines including law, political science, economics, human rights, security and policing, social development, public information, human resources management, education and administration. Nearly 40 nationalities are represented on the UNOMSA staff. Women constitute roughly half (46 per cent) of the staff, as well as half of the heads of observer teams assigned to specific areas.

The Chief of Mission is Ms. Angela E. V. King, of Jamaica; the Deputy Chief of Mission is Mr. Ismat Steiner, of the United Republic of Tanzania.

Financial aspects

At its 47th session, the General Assembly appropriated a total of $13,121,300 to finance UNOMSA for the period mid-September 1992 to 31 December 1993.

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